

city of saint paul  
planning commission resolution

file number 22-45

date December 9, 2022

WHEREAS, Trellis Treehouse Acquisition LLC, File # 22-116-859, has applied for site plan review for a new multi-family residential development for seniors with 36 dwelling units and 7 structured parking spaces to be accessed via a private street on the adjoining property at 2319 7th St W. under the provisions of § 61.402(c) of the Saint Paul Legislative Code on property located at 0 Madison St., Parcel Identification Number (PIN) 22.28.23.22.0080, legally described as South 100 feet of the east 263.4 feet of Lot 79, Lane's Edgcumbe Hills; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 1, 2022, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

The site plan is consistent with the Comprehensive Plan. The 2040 Comprehensive Plan does not specifically address residential development on steep slopes. Land use policy LU-21 calls for identifying, preserving, protecting and, where possible, restoring natural resources and habitat throughout the city with the following ordinances: Tree Preservation Overlay District; River Corridor Overlay District; and Subdivision Regulations). However, with no subdivision proposed, none of the ordinances referenced in policy LU-21 apply to the proposed project.

The Comprehensive Plan's land use chapter designates the site of the proposed development just north of St. Paul Avenue and West 7<sup>th</sup> Street as urban neighborhood. The site is also in proximity to a designated neighborhood node and an existing transit corridor (Metro Transit Route 46 along St. Paul Avenue and Routes 54 and 74 along West 7<sup>th</sup> Street). The proposed development is consistent with several land use and housing policies. Policy LU-1 encourages transit-supportive density and directs the majority of growth to areas with the highest existing or planned transit capacity. Improved access to affordable housing is a goal of the Housing Plan and Policy H-46 calls for supporting the development of new housing, particularly in areas identified as mixed-use, urban neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods. Policy H-31 calls for supporting the

moved by Reilly

seconded by \_\_\_\_\_

in favor 10

against 1 (Moore)

development of new affordable housing units throughout the city and Policy H-37 calls for encouraging the development of affordable housing in areas well-served by transit and/or in proximity to employment centers. The proposed multi-family residential building will provide 36 units of affordable senior housing near existing transit routes and neighborhood businesses.

The Highland Park District 15 Plan notes that opportunity sites like Sibley/West 7th bring with them the potential for more diverse and affordable housing types, and that many residents desire housing for senior citizens to allow them to age in community. The plan has several housing objectives and strategies that support development of denser housing and affordable housing including Policy H1.8. that encourages development of affordable housing throughout Highland Park and Policy H3.1 that calls for promoting denser housing development along transit corridors to help support transit ridership.

2. *Applicable ordinances of the City of Saint Paul.*

The site plan as proposed does not meet this finding without a variance and rezoning. The following standards and conditions apply:

- § 66.212 – Intent, R1 one-family residential district.
  - The proposed multi-family /senior housing use is not permitted in the current R1 single-family residential zoning district. A condition of site plan approval is that the property be rezoned to RM2 before a multi-family use may be established.
- § 66.230 - Residential District Density and Dimensional Standards
  - The proposed site plan assumes density and dimensional standards for RM2 zoning. In RM2 Zoning District, the maximum building height is fifty (50) feet. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall to the highest point of the roof surface for a flat roof.
- § 66.242 - Multiple-family design standards.
  - The proposed multi-family building meets design standards regarding materials, window and door openings, addition of a public sidewalk, and pedestrian connections to the building.
- § 63.111 – Residential Development on Steep Slopes
  - The proposed site plan requires a variance of Leg. Code Sec. 63.111 (b) before it may be established: Buildings should be designed to fit into the hillside without significant regrading to protect the stability of the slope and preserve existing trees while preventing excessively tall retaining walls and unattractive trough-shaped yards between buildings and retaining walls. Multi-story buildings are encouraged to reduce the size of the building footprint.
- §67.203 – Tree Preservation Plans are required when development occurs on steep slopes. Replacement trees are required for removals of healthy trees 12” diameter or more that occur more than 15’ from the proposed building footprint. A condition of the approval is that the City Forester sign off on the final Landscape and Tree Preservation Plans.

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

The site plan meets this finding. The proposed building and walls must be constructed under city permit with frost footings as required by the state building code and engineered to retain lateral earth pressures consistent with the principles of soils mechanics and detailed to minimize hydrostatic pressures. Retaining walls and building are engineered with the unique geological and hydrological conditions of this site in mind. Per § 63.111 – Residential Development on Steep Slopes, an engineering report on slope stability and hydrology prepared by a registered hydrological, geotechnical or soils engineer is required. A report had not been received at this time this report was written.

A condition of approval is that the City Forester accept the Landscape and Tree Preservation Plans for the post construction establishment of trees and vegetation on this slope. All final slopes must be immediately stabilized to prevent erosion. Trees must be planted, and all disturbed soils on the slope must be adequately covered with a suitable topsoil and seeded per Minnesota Board of Water and Soil Resources specifications for native vegetation establishment.

4. *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

This finding is met. Stormwater management, tree preservation practices, and maintaining a buffer of undisturbed wooded area mitigate the effects of development on neighboring properties. During construction, erosion control measures will be in place to protect the slope and adjacent properties.

Today, the majority of surface water infiltrates or sheet drains to The Chateau's crescent drive and on to St. Paul Ave. storm sewers via catch basins. In the proposed development rainwater will be collected from the roof, behind, and in front of the building then directed to the city storm sewer at a controlled rate. The remaining ¼ of the site will infiltrate or flow naturally down the slope to the existing Chateau driveway as it does today.

The existing trees are in poor condition as the wooded area is not actively managed today. Although trees will be removed in the construction of this development, replacement trees and vegetation will be planted behind and alongside the proposed building.

5. *The arrangement of buildings uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

This finding is met. The developer was approached by the Highland Chateau to develop a compatible senior housing use at their 0 Madison St. property. The resulting proposal has been designed with the Highland Chateau site in mind. As part of this development review, existing site concerns at The Highland Chateau will be remedied, specifically installation of public sidewalk, ROW improvements, and ensuring there is trash pickup space in the rear of The Chateau. The Chateau and Treehouse signed a Reciprocal Maintenance, Use, and Utility easement to document shared spaces and responsibilities.

The disturbed areas will be stabilized with site specific vegetation, engineered retaining walls, and trees to the north, east, and west of the building. The views and slope of the single-family property to the north will not be affected by this project.

6. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

The site plan meets this finding. There are strong correlations between energy-conserving design and multi-family buildings. The buildings will meet minimum energy standards for new buildings in MN. Furthermore, the development shall comply with the City's Sustainable Building Ordinance based on funding requirements.

7. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

The site plan meets this finding. Although the development site is landlocked, the Dept. of Public Works Mapping and Records division determined that an address may be based on frontage on an improved private street. The applicant proposes to make improvements to the existing crescent shaped drive on the adjoining Highland Chateau parcel at 2319 7<sup>th</sup> St W. and provide access and public services via a private street with a reciprocal maintenance, use, and easement agreement. The existing one-way site circulation will continue with a vehicular entrance to the private street from West 7<sup>th</sup> Street and an exit onto St. Paul Avenue.

The Highland Park District 15 Plan notes that the West 7<sup>th</sup> and St. Paul Ave. intersection is a key intersection for safety improvements. Improvements along the Highland Chateau's St Paul Avenue frontage are required per Public Works and Zoning to provide the safest possible scenario for all modes arriving at the site.

Specifically:

- The existing drive will become a private street to be used by both properties.
- Widening the one-way access drive to give adequate space for Treehouse resident drop off, maneuvering isles, and trash pickup.
- A public sidewalk added to the Highland Chateau parcel along St. Paul Ave.
- Removal of existing encroachments in the ROW
- Minimize curb cuts and meet Public Works' standards for curb and driveway design.
- Room for passenger drop off will remain at the Chateau.

A traffic memo is under review by Public Works Traffic Engineering. Public Works sign-off of the site plan and acceptance of the traffic memo are recommended conditions of site plan approval.

8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

This finding is met. Sanitary sewers in the area have capacity for the additional units. Currently, runoff on the vacant lot sheet drains to the Highland Chateau's existing drive and is conveyed to public catch basins. A storm water retention system to meet the St. Paul Sewer Department's Stormwater Rate Control requirements has been designed which collects water both uphill and downhill of the building. The water is slowed to an acceptable rate before entering the public storm water system.

A separate geotechnical and hydrology report has been requested but has not yet been received.

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

The finding is met. To reduce disturbance to the surrounding slopes, a sheet piling retaining wall will be installed. The applicant has applied for a variance to create a U-shaped trough between the retaining wall and the building. It would provide room for an effective stormwater management system and additional natural light for lower units. Stormwater will flow down the slope towards the retaining wall and be directed east to a proposed

stormwater management system with collection areas above and below the proposed building.

Trees and vegetation will be replanted on both sides of the main retaining wall, behind and alongside the building. Per Tree Preservation requirements, the project is required to plant 14 trees of at least two and one-half (2 ½) caliper inches.

The project meets required bicycle parking minimums and the seven tuck-under parking spaces do not exceed parking maximums. The development is located along transit. The development team has completed a Travel Demand Management plan with Move MN which meets the City's transportation planning objectives.

10. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site plan meets this finding. Public sidewalks will be added to The Chateau site along St. Paul Ave. A sidewalk will also be added along the western side of the existing crescent drive. This new sidewalk will serve as a direct pedestrian connection for the new building and will be constructed in accordance with ADA provisions. Compliant parking spaces, passenger loading zones, and accessible routes will be available for both the Highland Chateau and the proposed Treehouse development.

11. *Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."*

The site plan meets this finding. The site plan includes an erosion and sediment control plan that is consistent with BMP practices per the Minnesota Pollution Control Agency. If land disturbance exceeds an acre, then a General Storm Water Permit for Construction Activity from the Minnesota Pollution Control Agency will be required.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Trellis Treehouse Acquisition LLC for site plan review for a new multi-family residential development for seniors with 36 dwelling units and 7 structured parking spaces at 0 Madison St., Parcel Identification Number (PIN) 22.28.23.22.0080, to be accessed via a private street on the adjoining property at 2319 7th St W., is hereby approved subject to the following conditions:

1. Sign-off by Site Plan Review staff for technical compliance of the site plan that is substantially similar to this approved site plan.
2. Sign-off by Site Plan Review staff for technical compliance of supporting site plan documentation including the final Tree Preservation and Landscape plan by the City Forester and acceptance of the Traffic Memo by Traffic Engineering.
3. Approval of a variance of 63.111(b) to allow the proposed retaining walls and creation of trough-shaped yards between the new building and new retaining walls.
4. Approval of rezoning of the property from R1 – one-family residential district to RM2 - medium-density multiple-family residential district.
5. During Construction, final slopes must be immediately stabilized to prevent erosion. Trees must be planted, and all disturbed soils on the slope must be adequately covered with a suitable topsoil and seeded per Minnesota Board of Water and Soil Resources specifications for native vegetation establishment.
6. The specified elements of the required engineering report on slope stability and hydrology per § 63.111(a)(1-3) must be submitted to the City for review and acceptance before any

permits will be issued, including grading permits. The findings in the engineering report may result in required revisions to project plans as determined by Department of Safety and Inspections staff. If revisions to project plans are required as a result of the engineering report, these revisions to plans must be made to all plans submitted to the City for approval before any permits will be issued, including grading permits.

7. A private street to serve the development must be established. The private street must be established based upon a plan submitted to and approved by both the Department of Public Works and the Department of Safety and Inspections, Division of Fire Inspections, before final site plan approval.
8. The present reciprocal maintenance, use and easement agreement must be reviewed by the Department of Public Works and the City Attorney's Office. This review may result in revisions to the said agreement being required as added conditions to the variance granted here. Revisions resulting from the review must be made to the present reciprocal maintenance, use and easement agreement. The revised reciprocal maintenance, use and easement agreement must be duly recorded with Ramsey County before final site plan approval.